

Message Text

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ACTION L-03

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ARA-10 EA-09 EUR-12 NEA-10 DHA-02 MCT-01 /122 W

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E.O. 11652: N/A

TAGS: PINS, PFOR, UNGA

SUBJECT: SIXTH COMMITTEE (LEGAL) -- HOSTAGES

REF: USUN 5270

SUMMARY: COMITE CONCLUDED DEBATE ON ITEM ON DEC 1, AFTER STATEMENTS BY 18 STATES. DEBATE AGAIN FOCUSED ON WHETHER PROHIBITION ON TAKING OF HOSTAGES SHOULD BE COMPLETE OR WHETHER ACCOUNT SHOULD BE TAKEN OF CAUSE FOR AND MOTIVATION BEHIND TAKING OF HOSTAGES. NEGOTIATIONS TOWARD COMPROMISE TEXT CONTINUE.

1. IRAQ SAID FRG PROPOSAL NEEDS DETAILED STUDY. SAID MANY PEOPLES STILL SUFFER FROM RACISM, COLONIALISM AND FOREIGN OCCUPATION; SAID TERRORISM CANNOT BE CONSIDERED INDEPENDENT PROBLEM. SAID "TO END VIOLENCE, MUST END REPRESSION". SUPPORTED CRIMINAL ACTION AGAINST PERSONS WHO TAKE HOSTAGES FOR CRIMINAL PURPOSES. SAID IT CONDEMNS ALL VIOLENCE, INCLUDING TAKING OF HOSTAGES, BUT SAID UN MUST NOT ALLOW ANY INITIATIVE WHICH WOULD UNDERMINE STRUGGLES FOR SELF-DETERMINATION. SAID INTERNATIONAL RESPONSIBILITY FOR POLITICAL TAKING OF HOSTAGES LIES WITH CREATORS OF SITUATIONS THAT CAUSE TERRORISM. SAID TAKING OF HOSTAGES INCLUDES TAKING A WHOLE PEOPLE HOSTAGE.

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2. DEMOCRATIC YEMEN SAID ITEM PRESENTS URGENT BUT COMPLEX

PROBLEM WHICH SUPERFICIAL CONVENTION WILL NOT ALLEVIATE. SAID PART OF PROBLEM OF TERRORISM, AND SAID TERRORISM PART OF RIGHT OF SELF-DEFENSE RECOGNIZED BY CHARTER. SUPPORTED LIBYAN AMENDMENTS (REFTEL). CALLED FOR DELETION OF SUBSTANTIVE PARTS OF FRG RESOLUTION, SPECIFICALLY OP PARA 3. SUPPORTED "INNOCENT" AMENDMENT, BECAUSE RIGHT TO SELF-DETERMINATION IS PARAMOUNT.

3. GDR SAID ITEM INTIMATELY RELATED TO TERRORISM. SAID FRG HAS IGNORED STATE TERRORISM. SAID COMPLETE ELIMINATION OF COLONIALISM, RACISM, AND FOREIGN OCCUPATION IS ONLY WAY TO PREVENT TAKING OF HOSTAGES. ASKED IF CAPTURE OF COMBATANTS BY NLM'S IN REVOLUTION NOT RECOGNIZED AS INTERNATIONAL CONFLICT BY GOVERNMENT IN POWER WOULD BE TAKING OF HOSTAGES. SAID CONVENTION MUST NOT BE USED TO PREVENT RIGHT OF ARMED STRUGGLE FOR SELF-DETERMINATION. SUGGESTED REFERENCE TO THIS RIGHT AND RIGHT OF TERRITORIAL INTEGRITY IN PREAMBLE.

4. JORDAN EXPRESSED CONCERN WITH PROBLEM BUT SAID UNDERLYING CAUSES MUST BE ALLEVIATED TO ELIMINATE IT. SAID SUPERFICIAL CONVENTION WILL NOT BE OBEYED. SAID DISTINCTION BETWEEN POLITICAL AND OTHER CRIMES LONG RECOGNIZED; SAID CHARTER ARTICLE ON SELF-DEFENSE RECOGNIZED IMPORTANCE OF MOTIVE.

5. NICARAGUA INDICATED SUPPORT FOR FRG TEXT. WELCOMED SUBSTANTIVE GUIDELINES IN FRG RESOLUTION BECAUSE TERRORISM IS REPUGNANT AND WITHOUT JUSTIFICATION AND MUST BE PUNISHED. OPPOSED LIBYAN AMENDMENTS. SAID "INNOCENT" CREATES CONFUSION, AND NO MECHANISM EXISTS FOR DETERMINING INNOCENT.

6. BENEZUELA SAID INTERNATIONAL VIOLENCE IS CAUSE OF SKEPTICISM ABOUT ABILITY OF UN TO COPE WITH WORLD PROBLEMS. SUPPORTED FRG RESOLUTION.

7. MALI SAID "HOSTAGE" MUST BE UNDERSTOOD AND DEFINED IN LIGHT OF POLITICAL, SOCIAL, ECONOMIC AND HUMANITARIAN ASPECTS OF PROBLEM. SAID PROTECTION MUST BE GIVEN TO GROUPS OF INDIVIDUALS TAKEN AS HOSTAGES. SAID FRG RESOLUTION MUST TAKE INTO CONSIDERATION ALL HUMANITARIAN PRINCIPLES OF UN UNCLASSIFIED

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CHARTER, INCLUDING RIGHTS OF LIBERATION MOVEMENTS.

8. MADAGASCAR SAID FRG RESOLUTION PRESENTS PROCEDURAL REQUEST FOR ESTABLISHMENT OF AD HOC COMITE BUT DOES NOT INDICATE WHETHER INTENTION IS FOR AD HOC COMITE TO BE COMITE ON TERRORISM. SAID IDENTITY OF TWO COMITES IS ADVISABLE SO CAUSES CAN BE STUDIED AND BECAUSE TAKING OF HOSTAGES IS ONLY SMALL PART OF PROBLEM OF TERRORISM. SAID

WOULD ABSTAIN ON FRG RESOLUTION UNLESS FRG INDICATED IF
AD HOC COMITE WOULD BE DIFFERENT FROM TERRORISM COMTE.

9. LIBERIA, COSPONSOR OF DRAFT, SAID HOSTAGE MEANS INNOCENT
PERSON. SAID TAKING OF HOSTAGES IS FORBIDDEN BY ALL STATES
AND IS BARBAROUS ACT INTERNATIONAL COMMUNITY SHOULD
PROHIBIT. SAID ALL SHOULD SUPPORT FRG RESOLUTUION SINCE
ONLY ESTABLISHES AD HOC COMITE AND ALL VIEWS WILL BE
REPRESENTED IN COMITE WHEN HOSTAGES DEFINED. OPPOSED
"INNOCENT" HOSTAGE BECAUSE NO WAY TO DETERMINE WHO IS
INNOCENT, AND BECAUSE PRESUPPOSES SOME ARE GUILTY.

10. NEPAL SAID MUST NOT CREATE LOOPHOLES IN EFFORST TO
COMBAT TERRORISM. CALLED FOR "STATESMANSHIP" TO REPLACE
POLITICAL ANTICS AND URGED SUPPORT OF FRG RESOLUTION.

11. GREECE DENOUNCED TAKING OF HOSTAGES AND INDICATED
SUPPORT FOR FRG RESOLUTION.

12. SPAIN SAID COMMUNITY CANNOT TOLERATE PERPETRATION OF
THESE ACTS. SUPPORTED FRG RESOLUTION BUT SAID RESOLUTION
SHOULD BE PURELY PROCEDURAL IN ORDER SIXTH COMITE CAN
ESTABLISH AD HOC COMITE BY CONSENSUS.

13. AFGHANISTAN SAID CONVENTION MUST ACKNOWLEDGE PRINCIPLE
OF TERRITORIAL INTEGRITY. SAID POLITICAL AND LEGAL QUESTIONS
MUST BE STUDIED AND THEREFORE SUPPORTED LIBYAN AMENDMENTS.

14. GHANA WELCOMED FRG INITIATIVE BUT SUPPORTED LIBYAN
AMENDMENT RE DELETION OP PARA 3. HOEVER, SAID COULD NOT
ACCEPT AMENDMENT TO ADD "INNOCENT" FOR REASONS ALREADY
STATED.

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15. SYRIA SAID TAKING OF HOSTAGES HAD BEEN UNANIMOUSLY
CONDEMNED AND INDICATED SUPPORT FOR PRINCIPLE OF FRG RESOLU-
TION. HOWEVER, PREFERRED FRG RESOLUTION BE PURELY
PROCEDURAL SO AS NOT PREJUDGE CONCLUSION OF COMITE. SAID
CONVENTION MUST RECOGNIZE RIGHTS OF NLM'S.

16. FINLAND SAID AD HOC COMITE MUST CRAETE CONVENTION TO
PROVIDE FOR PROSECUTION OR EXTRADITION, AND URGED FOLLOW
MODEL OF MONTREAL AND HAGUE CONVENTIONS AND CONVENTION FOR
PROTECTION OF DIPLOMATS.

17. FRG TOOK FLOOR TO EXPRESS HOPE AND MEASURE OF OPTIMISM
NEGOTIATING GROUPS WOULD FIND ACCEPTABLE COMPROMISE TO
DIFFICULT PROBLEMS.

18. CANADA TOOK FLOOR TO RESPOND TO ARGUMENTS CONTRA FRG
RESOLUTION. RE ARGUMENT RESOLUTION SHOULD BE PROCEDURAL,
SAID UN SHOULD NOT SET UP COMITES MERELY TO ESTABLISH
COMITES. SAID COMITES WITHOUT MANDATES TYPICALLY ACCOMPLISH
NOTHING.

19. BELGIUM, FRANCE, NICARAGUA, GREECE, PHILIPPINES AND
JAPAN BECAME COSPONSORS.

20. NEGOTIATIONS CONTINUE ON FRG TEXT.
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